Government of Saskatchewan

Annual Report 1979-80

Provincial Mediation Board

101-04973/—

no longer published separately; now in Annual report of the Dept of Consumer and Commercial Affairs

To the Honourable C. Irwin McIntosh,
Lieutenant-Governor of the Province of Saskatchewan.

Dear Sir:

It is my honour and privilege to submit the Annual Report of the Provincial Mediation Board for the fiscal year ended March 31, 1980.

Respectfully yours,

Don Cody,
Minister Responsible for
the Provincial Mediation
Board

To the Honourable Don Cody,
Minister Responsible for the Provincial Mediation Board.

Sir:

I have the honour to submit the Annual Report of the Provincial Mediation Board for the fiscal year ended March 31, 1980.

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Respectfully,

W. A. (Bill) Tait
Chairman
Provincial Mediation Board

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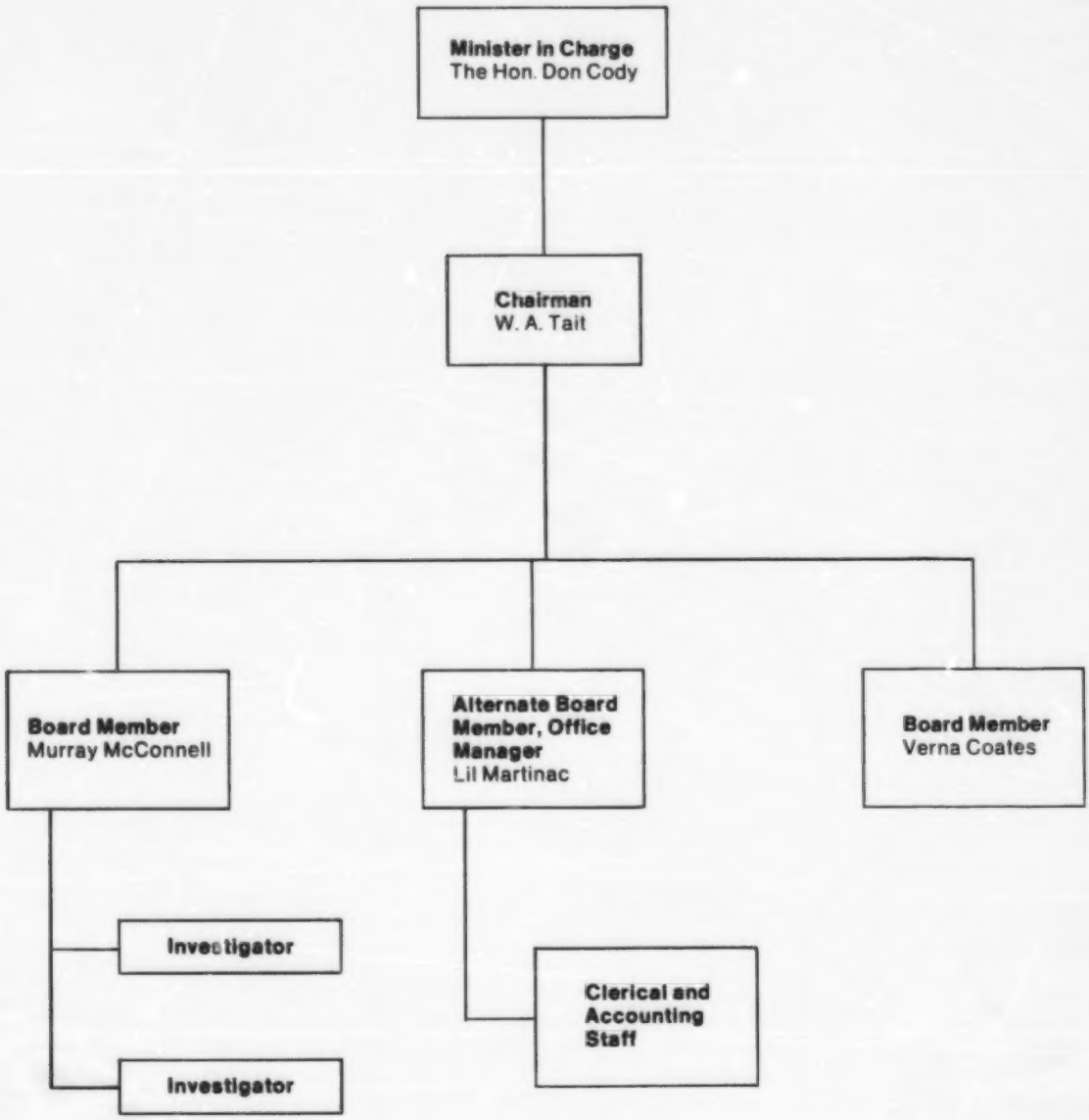
Provincial Mediation Board Organization Chart

(as of March 31, 1980)



Introduction

The Provincial Mediation Board is established pursuant to the Provincial Mediation Act. It administers legislation under the provisions of the foregoing as well as the following Acts:

The Land Contract (Actions) Act
The Tax Enforcement Act
The Landlord and Tenant Act
The Farm Security Act
The Agricultural Leaseholds Act
The Commencement of Actions Act
The Limitation of Civil Rights Act
The Bankruptcy Act — Part X
(Orderly Payment of Debt)
The Residential Tenancies Act —
Sections 30-37 inclusive, and
Part II (Security Deposits and Rent Review)
The Rural Municipalities Act

The purpose of the Board is to bring about the amicable settlement of disputes, through mediation. Since almost everyone, at sometime, faces a problem in attempting to compromise, or make an adjustment in an obligation, the Board's services can be invaluable to all residents of the Province.

Some of the types of problems for which the Mediation Board attempts to find solutions, with the aid of legislation and regulations designed to make compromise possible, are hereinafter set forth. In some cases, of course, the disputing parties cannot reach common ground, even through mediation efforts, but over the years, many friendly settlements have been arranged in round-the-table discussions of points of dispute.

1. A landlord and tenant may require the services of an understanding but impartial arbiter, to prevent what may often begin as a minor point of difference from growing to serious proportions;
2. A wage earner may unavoidably reach a stage where help is needed to enable him to meet his debts and regain his financial bearings;
3. A farmer may find crop failure or other financial reverses endangering his lease, or causing concern over the risks of mortgage foreclosure;
4. An urban or rural owner may fear the possibility of land being sold for taxes he has been unable to prevent falling into arrears.

To ensure that the Mediation Board's services are made known to debtors and creditors, the Board is notified, by Court officials, of all writs issued in excess of one hundred dollars ($100.00), other than those relating to damages or marital claims, who, in turn notifies the litigants of the facilities available.

The disputes referred to may not always be the type that comes under enabling legislation of the board. Problems of any nature are frequently referred to the Board by a Member of the Legislature, the Ombudsman, the Inquiry Centre, as well as anyone the Board has been of assistance to in the past. Services of the Board are provided free of charge, not only in Regina, but throughout the Province.

The Provincial Mediation Board operates for Saskatchewan residents, providing a service that combines informal appreciation of conflicting interests with an awareness of legal obligations, to effect a friendlier and more lasting settlement of disputes.

During the 1979/80 fiscal year, the Board experienced additional workload, as the cities of Prince Albert, Moose Jaw, Weyburn and Lloydminster were transferred from Rent Control to Rent Review.

Also during the 1979-80 fiscal year Mr. W. A. Tait was appointed Chairman of the Board.

Activities

The Provincial Mediation Board Act

The board is empowered to confer with and advise a debtor or his creditors, and endeavour to bring about an amicable arrangement for payment of indebtedness, without recourse to legal proceedings. Any such agreement may alter, modify or rescind any mortgage, contract or agreement previously existing between the parties concerned.

The Tax Enforcement Act

Before any action can be taken to acquire title to land by tax sale, the municipal body concerned must contact the Board, and file an application for consent to obtain title. Under certain circumstances, the Board may withhold consent where redemption or remedy for default is feasible.

Under certain circumstances, the Board can, for a stated period of time, prevent eviction, where "serious hardship" exists, either by filing a Prohibition Order with the Court or the Sheriff. In farm cases, this relief applies to the buildings and adjoining two acres only.

The Land Contracts (Action) Act

Where an action is to be commenced in the foreclosure of a mortgage on land, or the cancellation of an Agreement for Sale, the Plaintiff must serve the Board with a thirty day Notice of Intention before making application to the Court for a hearing before a Judge. The proposed Defendant is notified of the intended proceedings by letter, and given an opportunity to arrange settlement with the assistance of the Board. The Board is not, however, able to withhold proceedings under the Act.

The Farm Security Act

Upon application, the Board may settle any disagreement as to the amount of crop to be delivered on payment of an Agreement for Sale or Mortgage on land in any year.

The Board may decide whether a crop grown in any year is a crop failure, under the Farm Security Act.

The Board may, on consent of the owner, or after investigation, by Order exclude from the operation of the provisions of the Farm Security Act, any Mortgage or class of Mortgage on land.

The Agricultural Leaseholds Act

The Board may settle a disagreement between a landlord and tenant for re-entry by the tenant to complete harvest, or remove harvested crops from the property formerly leased to the tenant.

In a case where the crop grown by the tenant has not been harvested within the time limit provided in the Act, the Board may issue an Order appointing the landlord, or any other person, to complete the harvest, or remove already harvested crops, giving directions with respect to the disposal of, and accounting for the crop or proceeds of the sale thereof. Application for assistance should be made to the Board, in writing, either by the landlord or tenant, as the case may be.

The Limitation of Civil Rights Act

The Provincial Mediation Board is advised by Court officials, whenever the appointment is granted upon an application of a farmer under the Limitation of Civil Rights Act, for a hearing with respect to a creditor giving notice of intention to repossess farm machinery.

In such cases, the farmer will receive notice from the farm implement company of intention to repossess after thirty days, and may, within the specified time, make application to the registrar at the Court House in the Judicial Centre in which he resides, for a hearing before a Judge of the Court.

Orderly Payment of Debt Provisions

The above noted provisions are provided for under Part X of the Bankruptcy Act, and were made effective April 1st, 1969, by Order-in-Council. The intention of the provisions is to assist insolvent debtors in arranging a consolidation of their debts in an orderly manner, by regular monthly payments to the Board, in an amount they can afford, to be distributed to their creditors on a pro-rata basis.

Application for assistance must be made to the Mediation Board. A fee of ten dollars ($10.00) is charged at the time of making application for assistance.

Following a hearing set by the Board, to which the debtor may attend, along with creditors, if they so desire, a Consolidation Order may be issued, and provided that the terms of the Order are adhered to, the creditor's claims are paid out in full, together with Court interest, and the debtor is protected against legal action by creditors, unless default is made in payments.

Also under the provisions of the Provincial Mediation Board Act, any person, whether a debtor or a creditor, may apply to the Board either in person or in writing, for assistance in arranging settlement of a debt or by consolidation of debts of a debtor, on a voluntary basis.

The Landlord and Tenant Act

A clause in a Demand for Possession notifies the tenant that, if he objects to repossession by a landlord, he may apply to the Provincial Mediation Board, for a Prohibition Order.

The Residential Tenancies Act

Security Deposits:
The Provincial Mediation Board administers those sections of the Act that deal with claims against the Security Deposit.

A landlord may collect, from a tenant, a security deposit equal to one half of one month's rent, but not exceeding seventy five dollars ($75.00). This deposit is held in a trust account, for the tenant, against any possible claim for damage, cleaning charges or unpaid rent.

If a tenancy agreement is ended, the landlord must, within ten days pay the amount of the deposit, plus interest, at five per cent per annum, to the tenant. If the landlord wishes to make a claim against the deposit, he must, within ten days after the end of the tenancy agreement, write the tenant, indicating the amount claimed and the reason. If the tenant does not agree within ten days, the landlord must send the money to the Provincial Mediation Board, and apply for settlement of the claim.

Should a claim exceed the amount of the security deposit, it may be handled by the Office of the Rentalsman or by Small Claims or District Court.

Rent Review

Part II of The Residential Tenancies Act came into force by Order-in-Council and introduced the first phase of de-control, on October 1st, 1977. Nineteen towns, with population of two thousand to five thousand became subject to Rent Review by the Board.

On March 1st, 1978, the second phase of de-control transferred the cities of Estevan, Melville, North Battleford, Swift Current, Yorkton, and the town of Battleford from Rent Control to Rent Review.

On March 1st, 1979, the third phase of de-control transferred the cities of Prince Albert, Moose Jaw, Weyburn, and Lloydminster from Rent Control to Rent Review.

Towns and Cities Under Rent Review

Weyburn
Lloydminster
Prince Albert
Moose Jaw
North Battleford
Battleford
Yorkton
Melville
Estevan
Swift Current
Assiniboia
Biggar
Canora
Esterhazy
Hudson Bay
Humboldt
Kamsack
Kindersley
Maple Creek
Meadow Lake
Melfort
Moosomin
Nipawin
Rosetown
Shaunavon
Tisdale
Unity
Wynyard
Uranium City

Orderly Payment of Debt Program

Part X of the Bankrupty Act (Federal Legislation)

Administration of Debtor Files
(April 1, 1979 - March 31, 1980)

Client Files Administered as of April 1, 1979	257
Add Files Set Up during the Year	53
Total Files Administered	310
Subtract Files Terminated during the Year	91
Client Files Administered as of March 31, 1980	219

Additional Information
(April 1, 1979 - March 31, 1980)

1. Applications for Assistance		70
Disposition of Applications:		
Client Applications Closed	6	
Pending Further Action	8	
Transfers to Mediation Arrangement	3	
Client Files Set Up	53	
Total:	70	
2. Client Files Closed during Year		91
Reasons for Termination:		
Debt Obligation Paid in Full	34	
Default/Non Payment	49	
Client Transfer to Bankruptcy	4	
Other	4	
Total:	91	
3. Trust Funds Administered:		
Amount Received on Consolidation Orders Issued during Year		$301,580.39
Amount Distributed to Registered Creditors under all Consolidation Orders during the Year		$289,397.65

Mediation of Debt Arrangement

Section 6 — (1) R.S.S. Vol VI - P33

Administration of Client Files
(April 1, 1979 - March 31, 1980)

Client Files Administered as of April 1, 1979	265
Add Files Set up During Year	150
Total Files Administered	415
Subtract Files Terminated During Year	185
Client Files Administered as of March 31, 1980	230

Additional Information
(April 1, 1979 - March 31, 1980)

1. Applications For Assistance 150

Disposition of Applications:

Pending Further Action	0
Client Files Set up	150
Total	**150**

2. Client Files Closed during Year 185

Reasons for Termination:

Debt Obligation Paid in Full	27
Default/Non Payment	122
Client Transfer to Bankruptcy	7
Other	29
Total	**185**

3. Trust Funds Administered:

Amount Received on all Mediation of Debt Arrangements	$290,986.21
Amount Distributed to Registered Creditors	$277,592.96

Writ of Execution

Issued from the Judicial Centres in the Province, notifying the Board of Commencement of Legal Action against a Defendant.

Section 13, Provincial Mediation Board Act

For the Period April 1st, 1979 to March 31st, 1980

Received for the month of:	
April, 1979	502
May, 1979	435
June, 1979	432
July, 1979	400
August, 1979	466
September, 1979	538
October, 1979	419
November, 1979	400
December, 1979	450
January, 1980	729
February, 1980	467
March, 1980	506
Total:	5,804

Tax Enforcement Proceedings

Requests to Obtain Title to Land
(April 1, 1979 - March 31, 1980)

1. **Farm**

Carryover Files as of April 1, 1979		219
Add: Requests for Consent Received		226
Less: Dispositions		239
Consents Granted	197	
Settlements Arranged	36	
Extensions Granted	6	
Total	239	
Carryover Files as of March 31, 1980		206

2. **Urban**

Carryover Files as of April 1, 1979		119
Add: Requests for Consent Received		57
Less: Dispositions		41
Consents Granted	16	
Settlements Arranged	21	
Extensions Granted	4	
Total:	41	
Carryover Files as of March 31, 1980		135
Total Active Files		341

The Land Contracts (Actions) Act

Foreclosure on Mortgages and Cancellation of Agreements for Sale
(April 1, 1979 - March 31, 1980)

Activity	Farm Mortgages Foreclosure Notices	Urban Mortgages Foreclosure Notices	Farm Agreements For Sale Cancellation Notices	Urban Agreements For Sale Cancellation Notices
Pending April 1, 1979	20	81	5	11
Add Notices Received	140	559	20	46
Subtract Dispositions	152	615	53	44
Pending March 31, 1980	8	25	–28*	13

* Occurs due to files being opened and closed more than once.

Cases Handled for Mediation and Assistance Under Both Landlord and Tenant Act and Residential Tenancies Act

(For the Period April 1st, 1979 to March 31st, 1980)

Note: The statistics below represent a variety of circumstances and locations throughout the Province, where landlord and tenant disputes have required the assistance of the Board in mediating or assisting at the arrival of a suitable solution, under both The Landlord and Tenant Act and The Residential Tenancies Act.

Cases outstanding as of April 1st, 1979 54

	Cases Initiated	Cases Completed
April, 1979	60	46
May, 1979	108	112
June, 1979	60	98
July, 1979	56	84
August, 1979	106	104
September, 1979	52	39
October, 1979	48	38
November, 1979	43	30
December, 1979	16	22
January, 1980	46	32
February, 1980	37	32
March, 1980	37	25
Total:	669	662

Cases Outstanding as of March 31st, 1980 61

Rent Review Applications Received Under The Residential Tenancies Act

Noto: The following statistics represent formal applications made to the Board, which required detailed investigation, and the issuance of a decision from the Board, so that the dispute between landlord and tenant would be settled.

For the Period April 1st, 1979 to March 31st, 1980

Location:	
North Battleford	24
Yorkton	16
Swift Current	4
Melfort	11
Prince Albert	292
Lloydminster	19
Moose Jaw	55
Estevan	1
Melville	1
Weyburn	2
Total:	425

Security Deposits Received by Location of Premises under The Residential Tenancies Act

(April 1, 1979-March 31, 1980)

Locations:

Regina	111	Blaine Lake	1
Saskatoon	265	Maple Creek	1
Tisdale	1	Outlook	1
North Battleford	45	Moosomin	4
Prince Albert	107	Canora	2
Melville	2	Gravelbourg	2
Estevan	20	Wilkie	4
Moose Jaw	1	Rosetown	2
Swift Current	2	Melfort	2
Weyburn	4	Foam Lake	1
Assiniboia	2	Wadena	2
Meadow Lake	3	Delisle	1
Total:	586		

Account of Security Deposit Funds Handled by the Board under The Residential Tenancies Act

(April 1, 1979-March 31, 1980)

Balance in Trust at April 1, 1979	$ 4,022.65
Security Deposit Funds Received	$43,605.39
Security Deposit Funds Disbursed	$41,371.86
Disbursements Returned/Cancelled	$ 187.84
Balance to be Disbursed	$ 6,068.34
Balance in Trust at March 31st, 1980	$ 6,256.18

The Provincial Mediation Board Act 1979

Various Acts

The Provincial Mediation Board is authorized under the Mediation Board Act, 1979, to issue Orders under the following acts:

Section 7(11) Farm Security

The Board, on consent of the owner or after investigation, by Order excluded from the operation of the provisions of the Farm Security Act any mortgage or class of mortgage on the land.

For the Period April 1st, 1979 to March 31st, 1980 17

Section 6(a) Agricultural Leaseholds

The Board settled disagreements between landlord and tenant for re-entry by the tenant to complete harvest or remove harvested crops from the property formerly leased to the tenant.

For the Period April 1st, 1979 to March 31st, 1980 ..... nil

Section 14(1) Landlord and Tenant

Under a clause in a Demand for Possession notice, tenants applied to the Mediation Board for a Prohibition Order because of their objection to repossession by the landlord.

For the Period April 1st, 1979 to March 31st, 1980 1

Section 8(1) a and b — Tax Enforcement

The Board may issue Orders which will protect the registered owners of property.

For the Period April 1st, 1979 to March 31st, 1980 22

Section 336 Rural Municipality

The Board may on application of the municipality, issue an Order which will exempt the municipality from sections 326 to 335 of their act. The landowner will not be required to pay taxes before selling his grain in the crop year.

For the Period April 1st, 1979 to March 31st, 1980 4

Provincial Mediation Board Workload Comparisons

	Actual 1977/78	Actual 1978/79	Actual 1979/80
Voluntary Payment of Debt Applications	196	209	150
Orderly Payment of Debt Applications	124	101	70
Notifications (Legal Actions)*	6,657	6,884	6,910

*Comprised of tax enforcement proceedings, mortgage foreclosures and writs of execution.

Rent Review Board
Workload Comparisons

	Actual 1978/79	Actual 1979/80
Rent Review Applications	35	425
Security Deposit Applications	509	586
Mediation and Assistance Applications*	597	669

*Under both the Landlord and Tenant Act and The Residential Tenancies Act.

Ordinary Expenditure ($000)

	1978/79	1979/80
Salaries	127	213
Travel and Sustenance	10	10
Office Expenses	16	30
Advertising Expenses	1	—
Totals:	154	253

Personnel[1]

	1978/79	1979/80
Permanent	7	10
Non-Permanent[2]	3	2
Totals:	10	12

[1]Number of staff employed as of March 31, of indicated year.
[2]Non-Permanent includes part time, temporary and casual.